

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: :
Lisa R. Lombardo : Case No.: 19-23257
Debtor(s) : Chapter 13
: Judge Carlota M. Bohm
: *
PNC Bank, National Association :
Movant, : Related Document # 84
vs :
:
Lisa R. Lombardo :
Frank R Lombardo :
Ronda J. Winnecour :
Respondents :
:

**STIPULATION AND ORDER FOR SETTLEMENT OF CREDITOR PNC BANK,
NATIONAL ASSOCIATION MOTION FOR RELIEF FROM AUTOMATIC STAY AND
CO-DEBTOR STAY FOR PROPERTY LOCATED AT**
1756 ROSTRAVER RD, BELLE VERNON, PA 15012-4306 (DOCKET # 84)

This matter coming to be heard on the *Motion for Relief from Stay and Co-Debtor Stay* (Dkt. #84) which was filed in this court by PNC Bank, National Association ("Movant"), Movant and Lisa R. Lombardo by and through counsel ("Debtor"), have agreed to a course of action which will condition the continuation of the automatic stay upon certain provisions incorporated herein for the protection of Movant; and Parties stipulate to the following and request a Court order confirming the same:

1. The Parties agree that the Chapter 13 Plan ("Plan") filed herein on behalf of Debtor provided that non-debtor Co-Debtor was to make regular monthly mortgage payments and pre-petition arrearage payments to the Movant in a regular monthly fashion.
 2. The Parties agree that in breach of said Plan, non-debtor Co-Debtor failed to make regular monthly mortgage payments to the Movant and is currently in default for the months of April 2023 through August 2023, incurring a total post-petition arrearage of \$3,465.80, which consists of 5 post-petition payments for April 10, 2023 through August 10, 2023 at \$693.16 each. There is \$41.04 in suspense, which reduces the total post-petition arrearage to \$3,424.76.
 3. Debtor has filed an Amended Chapter 13 Plan on August 18, 2023 at Docket No. 91 providing for an increase in plan payments to the Trustee to \$1,090.00 per month for the remainder of the 60-month Plan, and the post-petition arrearage in the amount of \$3,424.76 will be paid through the Amended Chapter 13 Plan.

4. Debtor acknowledges that the amount of the payment of the confirmed Amended Chapter 13 Plan will be paid by the Debtor to the Trustee beginning with the September 2023 payment through the remainder of the Plan term.
5. Relief shall be stayed so long as the Debtors make each and every proposed plan payment pursuant to the confirmed Amended Chapter 13 Plan in a timely and complete manner beginning with the September 2023 full plan payment as stated in the Debtor's plan filed on August 18, 2023.
6. Movant is permitted to file a Supplemental Proof of Claim in the amount of \$3,424.76 representing the total post-petition delinquency. The Supplemental Proof of Claim shall be paid as a secured claim through the Chapter 13 Plan.
7. Upon completion of the repayment schedule listed above, Debtor must continue to make timely post-petition mortgage payments directly to the Chapter 13 Trustee in a regular monthly fashion.
8. The following are events of default under this Stipulation:
 - a. Debtor's failure to remit any future Chapter 13 Trustee payment on or before the date on which it is due;
9. In the event of a Default, Movant shall send a Notice specifying the Default, to Debtor and Debtor's counsel ("Notice") and Chapter 13 Trustee, allowing Debtor sixty (60) days to cure the Default ("Cure Opportunity"). If the Default is not cured, Movant shall file a Certification of Default with the Court. The automatic stay shall be terminated as to Movant, its principals, agents, successors and/or assigns as to the subject property upon the Court's entry of an Order granting Movant's Certification of Default.
10. This Stipulation remains in full force and effect in the event Debtor's case is dismissed by the Court and Debtor subsequently reinstates their case by order of the Court and/or the Movant obtains relief from stay and the stay is subsequently reinstated by order of the Court.
11. If this bankruptcy proceeding is converted to Chapter 7, dismissed or discharged, this Order shall be terminated and have no further force or effect.

MANLEY DEAS KOCHALSKI LLC

Dated: 09/19/2023

BY: /s/Alyk L. Oflazian
Alyk L. Oflazian (312912)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
614-220-5611; Fax 614-627-8181
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Attorney for Creditor

Dated: 9/19/2023

BY: Mary Bower Sheats

Mary Bower Sheats
1195 Washington Pike
Suite 325
Bridgeville, PA 15017
Email: Mary@mbsheatslaw.com
Attorney for Debtor

I do not object to the foregoing Stipulation

/s/ James Warmbrodt for Ronda J. Winnecour

Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219

ORDER OF COURT

AND NOW, to wit, this _____ day of _____, 2023, upon consideration of the foregoing Stipulation for Settlement of Creditor's Motion for Relief from the Automatic Stay, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. The terms of the foregoing Stipulation are hereby approved in their entirety and incorporated herein as part of this Order.
2. Pursuant to the Stipulation, Creditor is entitled to relief from the automatic stay upon default of Debtor, for a period of sixty days, subject to the terms of the Stipulation.

By the Court:

CARLOTA M. BOHM, JUDGE
UNITED STATES BANKRUPTCY COURT

CC:

Alyk L. Oflazian, Attorney for Creditor, Manley Deas Kochalski LLC, P.O. Box 165028, Columbus, OH 43216-5028 (notified by ecf)

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov (notified by ecf)

Ronda J. Winnecour, Chapter 13 Trustee, Suite 3250, USX Tower, 600 Grant Street, Pittsburgh, PA 15219, cmeccf@chapter13trusteevdpa.com (notified by ecf)

Mary Bower Sheats, Attorney for Debtor and/or Co-Debtor, 1195 Washington Pike, Suite 325, Bridgeville, PA 15017, Mary@mbsheatslaw.com (notified by ecf)

Lisa R. Lombardo, Debtor and/or Co-Debtor, 1756 Rostraver Road, Belle Vernon, PA 15012 (notified by regular US Mail)

Frank R Lombardo, Debtor and/or Co-Debtor, 1756 Rostraver Rd, Belle Vernon, PA 15012-4306 (notified by regular US Mail)

Pnc Mortgage, Party of Interest, Attn: Bankruptcy, 3232 Newmark Drive, Miamisburg, OH 45342 (notified by regular US Mail)